

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|---------------------------|---|-----------------------|
| JOSEPH ROSEMOND, |) | |
| Plaintiff, |) | |
| v. |) | C.A. No. 04-30072-KPN |
| |) | |
| STOP AND SHOP SUPERMARKET |) | |
| COMPANY, LLC |) | |
| Defendant. |) | |

**MOTION FOR LEAVE TO FILE REPLY
TO SUMMARY JUDGMENT OPPOSITION**

In accordance with Fed. R. Civ. P. 7 and Local Rule 7.1(B)(3), Defendant The Stop & Shop Supermarket Company, LLC (“Stop & Shop”) hereby requests leave to file a Reply to Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment (“Reply”), filed on July 29, 2005. In support of this motion, Stop & Shop states as follows:

1. Based on Plaintiff’s opposition, it has become clear that, among others, some of key legal issues that will determine whether Stop & Shop is entitled to summary judgment will be the (1) correct standard under state law for imputing strict liability for the conduct of supervisory employees, (2) appropriate definition of supervisory employees, and (3) standard under federal law for assessing whether an employer took prompt and remedial efforts to cure discriminatory acts once on notice of harassment.

2. Stop & Shop seeks to address these issues more fully in its Reply and, in particular, address the flaws in Plaintiff’s analysis of these issues.

3. In addition, Plaintiff made several inaccurate and unsupported factual assertions.

4. Stop & Shop’s Reply will assist the Court in determining whether Stop & Shop is entitled to summary judgment. Accordingly, Defendant seeks leave to address these and other issues raised in Plaintiff’s Opposition.

5. Plaintiff does not oppose this motion.
6. Should the Court grant this motion, Stop & Shop proposes to file its Reply with the Court no later than Friday, August 19, 2005 or on another date convenient to the Court.

Conclusion

Wherefore, Stop & Shop respectfully requests that the Court grant it leave to file a Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment.

The Stop & Shop Supermarket Company, LLC,

By its attorneys,

/s/ Yvette Politis

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Dated: August 4, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Yvette Politis, Esquire, hereby certify that I conferred with counsel for Plaintiff in good faith via telephone on August 4, 2005, in an attempt to resolve issues associated with the instant motion. Although counsel were unable to resolve those issues, Plaintiff does not oppose the filing of this motion.

/s/ Yvette Politis